

## **IC 13-30-10**

### **Chapter 10. Crimes**

#### **IC 13-30-10-1**

##### **Criminal penalties for permit application misstatements, destroying records, and tampering with monitoring devices or data**

Sec. 1. (a) A person who knowingly or intentionally makes a material misstatement in connection with an application for a permit submitted to the department commits a Class D felony.

(b) A person who knowingly or intentionally destroys, alters, conceals, or falsely certifies a record that:

(1) is required to be maintained under the terms of a permit issued by the department; and

(2) may be used to determine the status of compliance;

commits a Class D felony.

(c) A person who knowingly or intentionally renders inaccurate or inoperative a recording device or a monitoring device required to be maintained by a permit issued by the department commits a Class D felony.

(d) A person who knowingly or intentionally falsifies testing or monitoring data required by a permit issued by the department commits a Class D felony.

*As added by P.L.137-2007, SEC.31.*

#### **IC 13-30-10-2**

##### **Criminal penalties for violating air pollution control laws**

Sec. 2. (a) A person who:

(1) knowingly, intentionally, or recklessly violates:

(A) the terms of a permit relating to air pollution control issued by the department; or

(B) an air pollution control law; and

(2) discharges a contaminant into the air, if the discharge results in:

(A) a substantial risk of serious bodily injury;

(B) serious bodily injury to an individual;

(C) the death of a vertebrate animal; or

(D) damage to the environment that renders the environment unfit for human or vertebrate animal life, or causes damage to an endangered, an at risk, or a threatened species;

commits a Class D felony. However, the offense is a Class C felony if it results in the death of another person.

(b) It is a defense to a prosecution under this section that the person did not know and could not reasonably have been expected to know that the contaminant released into the air was capable of causing a result described in subsection (a)(2).

(c) Notwithstanding IC 35-50-2-6(a), IC 35-50-2-7(a), or IC 35-50-3-2, the court may order a person convicted under this section to pay:

(1) a fine of at least five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000) for each day of violation;

or

(2) if the person has a prior unrelated conviction for an offense under this title that may be punished as a felony, a fine of not more than one hundred thousand dollars (\$100,000) for each day of violation.

In determining the amount of a fine imposed for a violation of this section, the court shall consider any improper economic benefit, including unjust enrichment, received by the defendant as a result of the unlawful conduct.

*As added by P.L.137-2007, SEC.31.*

### **IC 13-30-10-3**

#### **Criminal penalties for violating water pollution control laws**

Sec. 3. (a) A person who:

(1) knowingly, intentionally, or recklessly violates:

(A) the terms of a permit relating to water pollution control issued by the department; or

(B) a water pollution control law; and

(2) discharges any substance into waters or into a public sewer, if the discharge results in:

(A) a substantial risk of serious bodily injury;

(B) serious bodily injury to an individual;

(C) the death of a vertebrate animal; or

(D) damage to the environment that renders the environment unfit for human or vertebrate animal life, or causes damage to an endangered, an at risk, or a threatened species;

commits a Class D felony. However, the offense is a Class C felony if it results in the death of another person.

(b) It is a defense to a prosecution under this section that:

(1) the person did not know and could not reasonably have been expected to know that the substance discharged into waters or into a public sewer was capable of causing a result described in subsection (a)(2); or

(2) the discharge was the result of a combined sewer overflow and the person notified the department in a timely manner.

(c) Notwithstanding IC 35-50-2-6(a), IC 35-50-2-7(a), or IC 35-50-3-2, the court may order a person convicted under this section to pay:

(1) a fine of at least five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000) for each day of violation;

or

(2) if the person has a prior unrelated conviction for an offense under this title that may be punished as a felony, a fine of not more than one hundred thousand dollars (\$100,000) for each per day of violation.

In determining the amount of a fine imposed for a violation of this section, the court shall consider any improper economic benefit, including unjust enrichment, received by the defendant as a result of the unlawful conduct.

*As added by P.L.137-2007, SEC.31.*

#### **IC 13-30-10-4**

##### **Criminal penalties for violating solid and hazardous waste laws**

Sec. 4. (a) A person who:

- (1) knowingly, intentionally, or recklessly violates:
  - (A) the terms of a permit that relates to solid or hazardous waste issued by the department; or
  - (B) an Indiana statute that relates to solid waste or hazardous waste; and
- (2) discharges a contaminant into the environment, if the discharge results in:
  - (A) a substantial risk of serious bodily injury;
  - (B) serious bodily injury to an individual;
  - (C) the death of a vertebrate animal; or
  - (D) damage to the environment that renders the environment unfit for human or vertebrate animal life, or causes damage to an endangered, an at risk, or a threatened species;

commits a Class D felony. However, the offense is a Class C felony if it results in the death of another person.

(b) It is a defense to a prosecution under this section that the person did not know and could not reasonably have been expected to know that the substance discharged into the environment was capable of causing a result described in subsection (a)(2).

(c) Notwithstanding IC 35-50-2-6(a), IC 35-50-2-7(a), or IC 35-50-3-2, the court may order a person convicted under this section to pay:

- (1) a fine of at least five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000) for each day of violation; or
- (2) if the person has a prior unrelated conviction for an offense under this title that may be punished as a felony, a fine of not more than one hundred thousand dollars (\$100,000) for each day of violation.

In determining the amount of a fine imposed for a violation of this section, the court shall consider any improper economic benefit, including unjust enrichment, received by the defendant as a result of the unlawful conduct.

*As added by P.L.137-2007, SEC.31.*

#### **IC 13-30-10-5**

##### **Criminal penalties for violating underground storage tank laws**

Sec. 5. (a) A person who:

- (1) operates an underground storage tank and knowingly, intentionally, or recklessly violates:
  - (A) the terms of a permit issued by the department that relates to the operation of an underground storage tank; or
  - (B) an Indiana statute that relates to the operation of an underground storage tank; and
- (2) discharges a contaminant into the environment, if the discharge results in:
  - (A) a substantial risk of serious bodily injury;

(B) serious bodily injury to an individual;  
(C) the death of a vertebrate animal; or  
(D) damage to the environment that renders the environment unfit for human or vertebrate animal life, or causes damage to an endangered, an at risk, or a threatened species;  
commits a Class D felony. However, the offense is a Class C felony if it results in the death of another person.

(b) It is a defense to a prosecution under this section that the person did not know and could not reasonably have been expected to know that the substance discharged into the environment was capable of causing a result described in subsection (a)(2).

(c) Notwithstanding IC 35-50-2-6(a), IC 35-50-2-7(a), or IC 35-50-3-2, the court may order a person convicted under this section to pay:

- (1) a fine of at least five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000) for each day of violation;  
or
- (2) if the person has a prior unrelated conviction for an offense under this title that may be punished as a felony, a fine of not more than one hundred thousand dollars (\$100,000) for each day of violation.

In determining the amount of a fine imposed for a violation of this section, the court shall consider any improper economic benefit, including unjust enrichment, received by the defendant as a result of the unlawful conduct.

*As added by P.L.137-2007, SEC.31.*

### **IC 13-30-10-6**

#### **Criminal penalties for violating state regulated wetlands laws**

Sec. 6. (a) A person who:

- (1) knowingly or intentionally violates:
    - (A) the terms of a permit issued under IC 13-18-22 that relates to state regulated wetlands; or
    - (B) a statute that relates to state regulated wetlands; and
  - (2) causes substantial harm to a state regulated wetland;
- commits a Class D felony.

(b) Notwithstanding IC 35-50-2-6(a), IC 35-50-2-7(a), or IC 35-50-3-2, the court may order a person convicted under this section to pay:

- (1) a fine of at least five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000) for each day of violation;  
or
- (2) if the person has a prior unrelated conviction for an offense under this title that may be punished as a felony, a fine of not more than one hundred thousand dollars (\$100,000) for each day of violation.

In determining the amount of a fine imposed for a violation of this section, the court shall consider any improper economic benefit, including unjust enrichment, received by the defendant as a result of the unlawful conduct.

*As added by P.L.137-2007, SEC.31.*